



General Assembly

**Amendment**

January Session, 2011

LCO No. 7138

**\*HB0654907138HD0\***

Offered by:

REP. RITTER E., 38<sup>th</sup> Dist.

SEN. GERRATANA, 6<sup>th</sup> Dist.

To: Subst. House Bill No. 6549

File No. 538

Cal. No. 323

**"AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S OVERSIGHT RESPONSIBILITIES RELATING TO SCOPE OF PRACTICE DETERMINATIONS FOR HEALTH CARE PROFESSIONS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2011*) (a) Any person or entity,  
4 acting on behalf of a health care profession that seeks to establish a  
5 new scope of practice or change a profession's scope of practice, shall  
6 submit a written scope of practice request to the Department of Public  
7 Health not later than August fifteenth of the year preceding the  
8 commencement of the next regular session of the General Assembly.

9 (b) (1) Any written scope of practice request submitted to the  
10 Department of Public Health pursuant to subsection (a) of this section  
11 shall include the following information:

12 (A) A plain language description of the request;

13 (B) Public health and safety benefits that the requestor believes will  
14 be achieved should the request be implemented and, if applicable, a  
15 description of any harm to public health and safety should the request  
16 not be implemented;

17 (C) The impact that the request will have on public access to health  
18 care;

19 (D) A brief summary of state or federal laws that govern the health  
20 care profession making the request;

21 (E) The state's current regulatory oversight of the health care  
22 profession making the request;

23 (F) All current education, training and examination requirements  
24 and any relevant certification requirements applicable to the health  
25 care profession making the request;

26 (G) A summary of known scope of practice changes either requested  
27 or enacted concerning the health care profession in the five-year period  
28 preceding the date of the request;

29 (H) The extent to which the request directly impacts existing  
30 relationships within the health care delivery system;

31 (I) The anticipated economic impact of the request on the health care  
32 delivery system;

33 (J) Regional and national trends concerning licensure of the health  
34 care profession making the request and a summary of relevant scope  
35 of practice provisions enacted in other states;

36 (K) Identification of any health care professions that can reasonably  
37 be anticipated to be directly impacted by the request, the nature of the  
38 impact and efforts made by the requestor to discuss the request with  
39 such health care professions; and

40 (L) A description of how the request relates to the health care

41 profession's ability to practice to the full extent of the profession's  
42 education and training.

43 (2) In lieu of submitting a scope of practice request as described in  
44 subdivision (1) of this subsection, any person or entity acting on behalf  
45 of a health care profession may submit a request for an exemption  
46 from the processes described in this section and section 2 of this act. A  
47 request for exemption shall include a plain language description of the  
48 request and the reasons for the request for exemption, including, but  
49 not limited to: (A) Exigent circumstances which necessitate an  
50 immediate response to the scope of practice request, (B) the lack of any  
51 dispute concerning the scope of practice request, or (C) any  
52 outstanding issues among health care professions concerning the scope  
53 of practice request can easily be resolved. Such request for exemption  
54 shall be submitted to the Department of Public Health not later than  
55 August fifteenth of the year preceding the commencement of the next  
56 regular session of the General Assembly.

57 (c) In any year in which a scope of practice request is received  
58 pursuant to this section, not later than September fifteenth of the year  
59 preceding the commencement of the next regular session of the  
60 General Assembly, the Department of Public Health, within available  
61 appropriations, shall: (1) Provide written notification to the joint  
62 standing committee of the General Assembly having cognizance of  
63 matters relating to public health of any health care profession that has  
64 submitted a scope of practice request, including any request for  
65 exemption, to the department pursuant to this section; and (2) post any  
66 such request, including any request for exemption, and the name and  
67 address of the requestor on the department's web site.

68 (d) Any person or entity, acting on behalf of a health care profession  
69 that may be directly impacted by a scope of practice request submitted  
70 pursuant to this section, may submit to the department a written  
71 statement identifying the nature of the impact not later than October  
72 first of the year preceding the next regular session of the General  
73 Assembly. Any such person or entity directly impacted by a scope of

74 practice request shall indicate the nature of the impact taking into  
75 consideration the criteria set forth in subsection (b) of this section and  
76 shall provide a copy of the written impact statement to the requestor.  
77 Not later than October fifteenth of such year, the requestor shall  
78 submit a written response to the department and any person or entity  
79 that has provided a written impact statement. The requestor's written  
80 response shall include, but not be limited to, a description of areas of  
81 agreement and disagreement between the respective health care  
82 professions.

83 Sec. 2. (NEW) (*Effective July 1, 2011*) (a) On or before November first  
84 of the year preceding the commencement of the next regular session of  
85 the General Assembly, the Commissioner of Public Health shall  
86 establish and appoint members to a scope of practice review  
87 committee for each timely scope of practice request submitted to the  
88 department pursuant to section 1 of this act. Committees established  
89 pursuant to this section shall consist of the following members: (1)  
90 Two members recommended by the requestor to represent the health  
91 care profession making the scope of practice request; (2) two members  
92 recommended by each person or entity that has submitted a written  
93 impact statement pursuant to subsection (d) of section 1 of this act, to  
94 represent the health care professions directly impacted by the scope of  
95 practice request; and (3) the Commissioner of Public Health or the  
96 commissioner's designee, who shall serve as an ex-officio, nonvoting  
97 member of the committee. The Commissioner of Public Health or the  
98 commissioner's designee shall serve as the chairperson of any such  
99 committee. The Commissioner of Public Health may appoint  
100 additional members to any committee established pursuant to this  
101 section to include representatives from health care professions having  
102 a proximate relationship to the underlying request if the commissioner  
103 or the commissioner's designee determines that such expansion would  
104 be beneficial to a resolution of the issues presented. Any member of  
105 such committee shall serve without compensation.

106 (b) Any committee established pursuant to this section shall, within  
107 available appropriations allocated to the Department of Public Health,

108 review and evaluate the scope of practice request, subsequent written  
109 responses to the request and any other information the committee  
110 deems relevant to the scope of practice request. Such review and  
111 evaluation shall include, but not be limited to, an assessment of any  
112 public health and safety risks that may be associated with the request,  
113 whether the request may enhance access to quality and affordable  
114 health care and whether the request enhances the ability of the  
115 profession to practice to the full extent of the profession's education  
116 and training. The committee, when carrying out the duties prescribed  
117 in this section, may seek input on the scope of practice request from  
118 the Department of Public Health and such other entities as the  
119 committee determines necessary in order to provide its written  
120 findings as described in subsection (c) of this section.

121 (c) The committee, upon concluding its review and evaluation of the  
122 scope of practice request, shall provide its findings to the joint  
123 standing committee of the General Assembly having cognizance of  
124 matters relating to public health. The committee shall provide the  
125 written findings to said joint standing committee not later than the  
126 February first following the date of the committee's establishment. The  
127 committee shall include with its written findings all materials that  
128 were presented to the committee for review and consideration during  
129 the review process. The committee shall terminate on the date that it  
130 submits its written findings to said joint standing committee.

131 Sec. 3. (NEW) (*Effective July 1, 2011*) On or before January 1, 2013,  
132 the Commissioner of Public Health shall evaluate the processes  
133 implemented pursuant to sections 1 and 2 of this act and report to the  
134 joint standing committee of the General Assembly having cognizance  
135 of matters relating to public health, in accordance with the provisions  
136 of section 11-4a of the general statutes, on the effectiveness of such  
137 processes in addressing scope of practice requests. Such report may  
138 also include recommendations from the committee concerning  
139 measures that could be implemented to improve the scope of practice  
140 review process."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	New section
Sec. 2	<i>July 1, 2011</i>	New section
Sec. 3	<i>July 1, 2011</i>	New section